

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD MAY 4, 2009, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Absent: Councilmember Fairbanks

Recognition of Beatrice Clean City (BCC) Mayor for a Day winners: Evan Oltmans, Grace Edeal, Katie Jo Steffen, Indigo Blood, Nathan Lancaster, Jenna Junker. Linda Grell, BCC Director, reported that 200 bags of litter were turned in by participants and the winners were selected by random drawing.

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

2 – Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of April 20, 2009 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$322,049.29.
- f. Approval of BASWA Report of Claims in the amount of \$29,885.87.
- g. Award bid for New Transfer Ambulance to Fireguard for an Osage Ambulance in the amount of \$112,394.
- h. Resolution Number 5117 appointing Steve Kyser to the Planning and Zoning Commission.
- i. Resolution Number 5118 merging the CDBG Reuse Committee with the Citizen Advisory Review Committee.
- j. Resolution Number 5119 approving an agreement with SCG Consulting Services for administration of the CDBG Loan to BVA, Inc.
- k. Approval for the Beatrice Fire Dept. to apply for an Assistance to Firefighters Grant to receive funding for replacement of a Pumper Truck.
- l. Approval of special designated permit of Risky's II to serve alcohol at the Rough Riders 4th Annual Call to Duty fundraiser on May 30, 2009 from 10:00 a.m. until 1:00 a.m. in an outside beer garden located at 2317 North 6th Street.

Moved by Fetty, seconded by Carey, that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

3 – Public Hearings/Bids: None.

a. Hearings:

(1) Semiannual Report of the Citizen Advisory Review Committee

Mayor Schuster announced that a public hearing will now be held to hear the semiannual report of the Citizen Advisory Review Committee (CARC).

Steve Kyser, Chairman of CARC, reported that the only activity in the fund the past 6 months was for Industrial Park improvements and to pay Gage Co. Economic Development. There is \$996,872.94 in funds available for economic development.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:12 p.m.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

4 – Resolutions:

a. Establishing fees for use of ambulance services.

Mayor Schuster introduced Resolution Number 5120 establishing fees for use of ambulance services.

Moved by Fetty, seconded by Moore, that Resolution Number 5120 be passed and adopted.

Fire Chief, Brian Daake, presented the proposed fees. Ambulance fees, which have not been raised since January 2006, will increase about 13% overall. City Administrator, Neal Niedfeldt, explained that Medicare allowance rates went up 12% over the same period. Discussion followed regarding the fee schedule for fire responses to alarms and incidents.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Resolution Number 5120 has been passed and adopted.

5 – Ordinances:

a. Ordinance Number 09-020 amending 17-0113 of the Beatrice City Code regarding setting traps or snares, read twice by number.

Mayor Schuster announced further consideration of Ordinance Number 09-020 amending 17-113 of the Beatrice City Code regarding setting traps or snares, which has been read twice by number.

Moved by Fetty, seconded by Schmale, that Ordinance Number 09-020, the title thereof be approved and the rules be suspended and said ordinance be read by number only the third and final time tonight.

Mayor Schuster explained this ordinance gives the Animal Control Officer and law enforcement personnel the authority to set traps. Discussion only was held regarding coming up with a way to allow homeowners permission to set live traps.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 09-020 by number only the third time.

Moved by Fetty, seconded by Lytle, that Ordinance Number 09-020 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Ordinance Number 09-020 has been passed and approved.

b. Adding to the Beatrice City Code Sections 9-1 thru 9-13 requiring registration of alarm systems.

Mayor Schuster introduced an ordinance adding to the Beatrice City Code Sections 9-1 thru 9-13 requiring registration of alarm systems.

Moved by Fetty, seconded by Lytle, that said ordinance be given Number 09-021, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight. (See amendment)

Fire Chief Daake, and City Attorney, Tobias Tempelmeyer, presented the proposed ordinance, which provides that alarm systems be registered annually and provides for collection of false alarm fees. Discussion was held on how many

businesses would be impacted and on educating them. Police Chief, Bruce Lang, also spoke regarding the number of police alarms. The false alarm fee does not apply to single-family dwellings.

Moved by Catlin, seconded by Schmale, to amend the motion to read Ordinance Number 09-021 by number two times tonight.

Vote on amendment:

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Vote on original motion as amended:

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 09-021 by number only the first and second.

c. Establishing salaries for various City employees.

Mayor Schuster introduced an ordinance establishing salaries for various City employees.

Moved by Fetty, seconded by Moore, that said ordinance be given Number 09-022, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight. (See amendment)

City Administrator Niedfeldt explained that the proposed list of salary changes were for performance based increases based upon evaluations by department heads, reviewed by the City Administrator, and a list of bonuses to department heads for their performance this past year during the reorganization.

Moved by Lytle, seconded by Catlin, to go into Executive Session at 7:48 p.m. to discuss personnel.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Reconvene at 8:25 p.m.

Moved by Parde, seconded by Moore, to amend Ordinance Number 09-022 to delete Section 3 (bonuses).

Discussion was held regarding cash bonuses with some councilmembers not in support of the idea.

Roll Call: Yea: Catlin, Lytle, Moore, Parde
Nay: Carey, Fetty, Schmale

Motion carried.

Vote on original motion as amended:

Roll Call: Yea: Catlin, Lytle, Moore, Parde
Nay: Carey, Fetty, Schmale

Motion failed (6 votes required to suspend rules.)

Moved by Fetty, seconded by Carey that said ordinance be given Number 09-022, the title thereof be approved and said ordinance be read by title only one time tonight.

Councilmember Fetty proposed to continue discussion on the ordinance and further consideration in two weeks.

Roll Call: Yea: Carey, Catlin, Fetty, Lytle, Moore, Parde, Schmale

Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 09-022 by title one time.

d. Adding to the Beatrice City Code Section 16-57 to provide for one parking citation waiver per year for a violation of Section 16-366 (2 hour parking-downtown area).

Mayor Schuster introduced an ordinance adding to the Beatrice City Code Section 16-57 to provide for one parking citation waiver per year for a violation of Section 16-366 (2 hour parking-downtown area).

Moved by Fetty, seconded by Lytle, that said ordinance be given Number 09-023, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Mayor Schuster explained that the idea of the waiver for the first ticket was a recommendation of the subcommittee, following concerns from the downtown businesses after the fine for 2-hour parking increased from \$10.00 to \$25.00 last October. City Attorney Tempelmeyer gave a report on the number of tickets issued since October that included 31 2-hour parking violations. Police Chief Lang answered questions of the council regarding enforcement of the 2-hour limit and suggested an enhanced penalty or boot for repeat violators. Stan Wirth, 718 Garfield, and Linda Clabaugh, 326 Morton Drive, both representing downtown business appeared encouraging a compromise to resolve the issue, requesting that the fine revert back to \$10.00 and do not care about a waiver. Dennis Applegarth, 901 N 7, spoke in support of the waiver to promote goodwill and provide education. Kathryn Poage, spoke in support of graduated penalties for repeat violators and change limit to 3 hours. A lengthy discussion was held.

Moved by Catlin, seconded by Lytle, to amend proposed the proposed ordinance to remove the waiver and to read fine \$10 for first offense, \$30 for the second offense, and \$50 plus boot for the third offense on a one-year time frame for 2-hour parking violators only.

City Attorney Tempelmeyer recommended voting down this ordinance and drafting a new ordinance for consideration at the next meeting.

Roll Call: Yea: Catlin
Nay: Carey, Fetty, Lytle, Moore, Parde, Schmale

Motion failed.

Vote on original motion:

Roll Call: Yea: Lytle, Parde
Nay: Carey, Catlin, Fetty, Moore, Schmale

Motion failed.

6— Public Forum:

No one appeared.

7- Discussions/Reports:

a. Discussion regarding request from Dave Doering of 1403 South 5th Street to vacate Swarthmore Avenue.

This item came forward from Subcommittee B that considered a request from Dave Doering of 1403 South 6th Street to vacate Swarthmore Avenue; however, discussion is continued until more information is available.

8- Miscellaneous:

- a. Next regular council meeting is May 18, 2009, at 7:00 p.m.
- b. Also, BASWA meeting May 18, 2009, at 6:30 p.m.
- c. Passed out list of goals tabulated to be put on agenda in 2 weeks.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 9:42 p.m.

Roll Call: Yea: Carey, Moore, Schmale, Mayor Schuster
 Nay: Catlin, Fetty, Lytle
 Abstain: Parde

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster